

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

Ronald Wayne Wootan,)	
)	
Petitioner,)	ORDER
)	
vs.)	
)	
Joseph Joyce, Warden,)	Case No. 1:24-cv-181
)	
Respondent.)	

Petitioner is an inmate at the North Dakota State Penitentiary. He initiated this action in September 2024 with the filing of a “Petition Under 28 U.S.C. 22545 for Writ of Habeas Corpus by a Person in State Custody.” (Doc. No. 1).

On November 19, 2024, Respondent filed a “Limited Motion to Dismiss to Section 2254 Petition.” Therein the Respondent asserts that the petition must be dismissed as it is time-barred.

On January 28, 2025, Petitioner filed a reply to Respondent’s motion, asserting that his deadline for filing a habeas petition should be equitably tolled as there were extraordinary circumstances that prevented him from filing his petition earlier. Specifically, he asserts that he was not timely informed of his deadline for filing a direct appeal of his conviction and sentence, his ability to petition the United States Supreme Court for a writ of certiorari, or his ability to petition this court for a writ of habeas corpus. He further asserts that his delay in petitioning this court for habeas corpus relief can be attributed at least in part to institutional COVID-19 restrictions and lock downs that hindered his ability to access legal materials, a computer, and/or his mail.

The court shall schedule an evidentiary hearing on June 10, 2025, at 10:00 AM in Bismarck (courtroom 2). Petitioner shall participate via video. Instruction on how to connect to the courtroom

via video will be provided to the NDSP.

At the evidentiary hearing, the parties should be prepared to address, among other things, when and how Petitioner learned of the process for applying for post conviction relief in state court and/or petitioning this court for habeas relief and exactly how his circumstances otherwise impeded his ability to timely seek post-conviction relief

IT IS SO ORDERED.

Dated this 8th day of May, 2025.

/s/ Clare R. Hochhalter
Clare R. Hochhalter, Magistrate Judge
United States District Court